

Appl. No. : 10/807,643
Filed : March 23, 2004

Applicants would initially like to thank Examiner Schillinger for permitting the personal interview between the Examiner and Applicants' representative on November 21, 2006. At the interview, the applied Globerman and Lam references were discussed, as well as the substantive content of the amendment made herein to Claim 23. Applicants additionally indicated an intention to file a claim along the lines of Claim 57 added herein.

REMARKS

Prior to entry of the foregoing Amendment, Claims 23 through 42 were pending in the present application. Claims 23 and 32 have been amended herein, and new Claims 43 through 61 have been added. Claims 23 through 61 are thus pending in the present application.

In the Office Action mailed August 24, 2006, each of Claims 23 through 42 was rejected. According to the Examiner, independent device Claim 23 was unpatentable under 35 U.S.C. § 102(e), as identically disclosed by Globerman. Independent method Claim 32 was rejected as obvious under 35 U.S.C. § 103, over Globerman in view of Vardi.

As discussed at the interview, independent Claim 23 has been amended to clarify the structure of the claimed prosthesis, particularly with respect to the length of the anchors. As amended, Claim 23 recites that the anchors have "sufficient length to extend into and expandably circumscribe the main vessel wall and reach the portion of the main vessel wall opposing the os when the scaffold is implanted in the branch lumen with said one end adjacent the os". This structural difference between Applicants' claimed prosthesis and the short flaring portion 25 of Lam; the short flaring section 304 of Globerman; and the flared portion 18 of Vardi results in a profoundly different performance compared to the devices disclosed in Lam, Globerman or Vardi.

In view of the foregoing, Applicants respectfully request that the rejections of Claims 23 through 31 be withdrawn.

Independent method Claim 32 has been amended herein in a manner that substantively parallels the amendment to Claim 23, with respect to the length of the anchors. For this reason, Applicants respectfully request that the rejections of Claim 32 through 42 be withdrawn.

New dependent Claims 43 through 45 depend from independent Claim 23, and are believed to be allowable for at least that reason.

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New independent Claim 46 recites “said anchor having a length sufficient to circumscribe the main vessel wall and reach the portion of the main vessel wall opposing the os when the scaffold is implanted in the branch lumen with said one end adjacent the os”. As has been discussed, Applicants respectfully submit that neither Globerman nor Vardi disclose or suggest this structural feature. Accordingly, Applicants respectfully submit that new Claims 46 through 55 are in condition for allowance.

New independent method Claim 56 recites, among other things, the method step of “circumferentially deforming the anchors such that at least one of said anchors extends along the main vessel wall a sufficient distance to reach the portion of the main vessel wall opposing the os.” Applicants respectfully submit that this feature is neither disclosed nor suggested by either Globerman or Vardi, and Claim 56 is believed to be allowable for at least this reason.

New independent Claim 57 approaches the length of the anchors in a slightly different way, as was discussed at the interview. As recited in Claim 57, the prosthesis is positioned “such that the scaffold is within the branch vessel and the anchors extend along the wall of the main vessel and all point in an upstream direction”. As discussed at the interview, the relatively short flanges or petals disclosed in Globerman and Vardi open in a starburst or radially outwardly directed pattern with respect to the longitudinal axis of the branch vessel, such that, when used as directed, some petals point upstream in the main vessel, some petals point downstream, and some petals point transversely or circumferentially with respect to the vessel.

For at least this reason, Applicants respectfully submit that independent Claim 57 and dependent Claims 58 through 61 are in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that each of the claims pending in the current application is presently in condition for allowance and such action is earnestly requested. If any questions remain that may be clarified by Examiner’s Amendment, the Examiner is cordially invited to contact the undersigned by telephone so that any such matters may be promptly resolved.

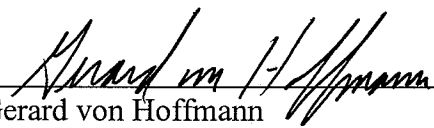
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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